

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CRIMINAL No. 99-0380 LH
CRIMINAL No. 99-0381 LH

TONY JACKSON,

Defendant.

MEMORANDUM OPINION AND ORDER


THIS MATTER comes on for consideration of Defendant's letter (ECF No. 70), filed in CR 99-0380 LH on May 4, 2015, which the Court treats as a Motion for Reduction of Sentence. Defendant requests that an attorney be appointed to file a motion pursuant to 18 U.S.C. § 3582 addressing his eligibility for resentencing under Amendment 782 to the United States Sentencing Guidelines. Attorney Scott M. Davidson was appointed on May 6, 2015. Neither the government nor defense counsel has submitted briefing to the Court regarding this matter. The Court, having reviewed the record and the applicable law, and otherwise being fully advised, finds *sua sponte* that it does not have jurisdiction to consider Defendant's Motion and it will be dismissed.

The Court previously determined that Defendant was ineligible for resentencing under the earlier amendments to the crack cocaine sentencing guidelines. In each instance, the Court found that because Defendant was sentenced as a career criminal under U.S.S.G. § 4B1.1, his

original sentence was not based on a sentencing range that had subsequently been lowered by the Sentencing Commission. Therefore, the Court dismissed the Motions for lack of jurisdiction. Order (ECF No. 51), filed Sept. 23, 2008; Mem. Op. and Order (ECF No. 62), filed June 3, 2011; Mem. Op. (ECF No. 65), filed Jan. 10, 2012; Mem. Op. (ECF No. 68), filed Nov. 27, 2012.

Defendant's current Motion suffers the same defect as his earlier motions. Having been sentenced as a career offender, his original sentence was not based on a sentencing range that has subsequently been lowered by the Sentencing Commission, and this Court lacks jurisdiction to consider his Motion on the merits.

IT IS HEREBY ORDERED that Defendant's letter (ECF No. 70), filed in CR 99-0380 LH on May 4, 2015, which is as a Motion for Reduction of Sentence, is **DISMISSED FOR LACK OF JURISDICTION**.



SENIOR UNITED STATES DISTRICT JUDGE